THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO.14747 OF 1996

O R D E R:

1) The case of the petitioner, a dealer of Pepup Black Label (Non-Alcoholic) Beverage, is that the Inspector of Prohibition & Excise, Huzurabad, who raided V.K.Enterprises, a dealer of Non-Alcoholic Beverage at Jammikunta, Karimnagar District, had seized the stock of pepup Black Label from him and launched prosecution against the said V.K.Enterprises, showing him also as an accused, though he is no way connected with the V.K.Enterprises, and that at the instance of the dealers of Alcoholic Beverages respondents are maliciously launching prosecution against the dealer of Pepup Black Label, though the Chief Public Analyst, State Food Laboratory, Nacharam, Hyderabad, opined that the sample of Pepup Black Label examined by him does not contain Diazepam, and so the prosecutions against him launched by the respondents in connection with the sale of Pepup Black Label (Non-Alcoholic) Bevarage, may be quashed.

2) The report of the public analyst can be made use of only in respect of the sample analysed by him and cannot be used for other batches of the stock.

3) If the petitioner feels that the prosecution launched against him is improper in view of the report of the Analyst his remedy is to file a petition before the concerned Court for his discharge or to file a petition under Section 482 Cr.P.C. But he cannot by invoking the jurisdiction of this Court under Article 226 of the Constitution of India either seek quashing of all the prosecutions launched against him or seek a direction to the respondents not to launch prosecution against him.

3) Hence, the writ petition is dismissed. No costs.

C.Y.SOMAYAJULU J.,

Dt.03.11.2005

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